

INITIALS _____

LUNENBURG PLANNING BOARD TOWN OF LUNENBURG

Joanna L. Bilotta-Simeone, Chair
Nathan J. Lockwood, Vice-Chair
Damon McQuaid, Clk.
Emerick R. Bakaysa, Mbr.
Matthew Allison, Mbr.
Marion M. Benson, Planning Director



Tel: (978) 582-4147, ext 5
Fax: (978) 582-4353
960 Massachusetts Avenue
Lunenburg, MA 01462

Minutes

February 24, 2014

Meeting Posted: Yes

Place: Ritter Memorial Building, 960 Massachusetts Avenue, Lunenburg, MA

Time: 6:00 PM

Present: Joanna L. Bilotta-Simeone, Nathan J. Lockwood, Damon McQuaid, Emerick R. Bakaysa, Matthew Allison

Absent: Marion M. Benson

Telephone Conference w/Town Counsel re RMD Bylaw- Discussion with Attorney Joel Bard regarding Board questions. Lunenburg has only a handful of locations that would be appropriate. If the Board uses the special permit process, they cannot use it to deny a developer. It would be used to impose conditions and regulate the use. The Board cannot regulate growing and retail uses separately; has to come under one bylaw. The State law was written with the expectation that everything would be done in one place. N. Lockwood noted that the Board wanted to regulate the uses separately to allow the cultivation more freedom than the retail, e.g., cultivation dispensary in any District, dispensary only in Commercial or Office Park and Industrial District. J. Bard to research. N. Lockwood inquired if Town could restrict facilities not to allow cash transactions, but only credit card transactions. J. Bard noted that could be too restrictive and outside the Board's purview. The State law is strict on security of the growing. Growing marijuana is an agricultural use and the Board cannot prohibit retail uses on farmland. Under MGL ch. 40A, Section 3, cultivation would be allowed Town-wide as a matter of simple zoning. The law that allows them to open a farm store on farm property, in a non-commercial zone where stores are not allowed, cannot be used to set up a dispensary. If the Town puts a special permit in place for two years, the special permit is renewable as long as the applicant has satisfied all the criteria. 725.100 (E) specifies the RMD's certificate of registration shall expire one year after the date of issuance and may be renewed as follows.... J. Bard suggested for cultivation, the Board look at larger-zoned districts. He also suggests they look at the uses in each district. N. Lockwood opined overlay for retail use and change district uses for cultivation? J. Bard to research. N. Lockwood inquired if the Board could dictate to the facility that it allow inspections by Town officials, e.g., Police/Fire/Board of Health as necessary. J. Bard responded the Town could put a provision in the approval to allow for inspection by appropriate parties. J. Bilotta-Simeone inquired if that would have to be in the Town's General Bylaws. J. Bard stated he doesn't believe it has to go to town meeting; it could be a Board of Health regulation (Planning Board to confer with Board of Health). N. Lockwood inquired if the Town can request of the applicant that the Town be included in communications between the applicant and the State. J. Bard responded that the Town could request the applicant "cc" the Town on the communications with the State to preclude the Town having to track down documents. N. Lockwood inquired if Police/Fire officials would have access to a State database listing those applicants licensed for cultivation/retail sales. J. Bard noted that could be a Health Insurance Portability and Accountability Act (HIPAA) issue, but will check. N. Lockwood then inquired if same would apply to a local data base. (J. Bard noted Patricia Cantor in his office is a good source of information.)

PUBLIC COMMENT:

- Board was complimented on the work it was putting into crafting the RMD bylaw.
- Anthony Cleaves, Whitman and Bingham Associates, spoke on behalf of Joseph Russo, property owner for 357 Electric Avenue. Owner would like to come before the Board to discuss that property being used for a RMD. Agenda appointment will be set through the Planning Office.

ANR- 419 Sunny Hill Road, Bill Drumm- Plan accepted for review. Lot 1 subdivided under previous ANR Plan.

MINUTES APPROVAL: Motion, N. Lockwood, to approve 2-10-14, Second, D. McQuaid.

COMMITTEE REPORTS:

MJTC, M. Allison- No report

MRPC, J. Bilotta-Simeone- Meeting to be held February 25th.

School Building Committee, N. Lockwood- Noted communication between architects and project manager regarding modifications. A Working Group Meeting will take place March 5th. J. Bilotta-Simeone will attend for the Planning Director.

Building Reuse Committee, D. McQuaid- Committee will recommence its meetings starting March 3rd.

Capital Planning Committee, M. Benson- Tabled due to M. Benson's absence.

Green Community Task Force, M. Benson- Tabled due to M. Benson's absence.

Agricultural Commission, M. Allison- Current Chair will be stepping down as he is moving out of Lunenburg. Commission interested in getting jurisdiction over the Farmer's Market; currently under Board of Health. Commission would like to meet with the Land Boards and have asked M. Allison to initiate.

PLANNING DIRECTOR'S REPORTS/NEW BUSINESS/DEVELOPMENT STATUS REPORTS:

Definitive Subdivision, 50 Elmwood Road- A. Cleaves, Whitman and Bingham Associates represented the applicant. Conservation Commission, at its last meeting, voted to issue an Order of Conditions for the project. Plans revised to incorporate Conservation Commission requests; also trees per Planning Board request. Conservation Commission requested disturbed areas within the buffer zone be loamed and seeded as soon as possible. Applicant chose not to put an easement to Proctor Park, but will improve the existing fifty-foot wide access located on Elmwood Road to allow for vehicle parking. Board still needed to vote on two waivers.

§ 3.4.3.9. from submission of environmental impact statement as subdivision has less than 10 lots. Board wanted to hear from Conservation Commission before voting on this waiver request. Conservation Commission had no issue. Motion, N. Lockwood, to grant Waiver, Second, D. McQuaid, all aye.

§ 4.2.5.1. for 650 foot length for dead end street. 750 feet requested due to site topography. The Water District reviewed the plan for hydrant placement and had no issue. Motion, N. Lockwood, to grant Waiver, Second, D. McQuaid, all aye.

There is a graded grass easement for the DPW to access the detention basin. Applicant intended to turn the road over to the Town once the development is completed.

Motion, D. McQuaid, to approve Plan as submitted, Second, M. Allison, all aye. Plan endorsed. Findings and Directives will be prepared for Board endorsement.

Caucus- March 17, 2014- Noted. M. Allison up for reelection.

Annual Town Meeting- May 3, 2014-

Noted proposed schedule.

Continued discussion/work on draft RMD bylaw. Keep it out of heavily population areas. Leominster Shirley Road may be a good location – has highway access. Restrict retail to Mass Ave/Rt 13 – possible overlay? Add cultivation as a use to districts. Siting by special permit. Incorporate fee for extra security measures. Retail uses by special permit in Commercial District. Under Design Standards – must meet all requirements of the Commercial District or State guidelines, whichever is more restrictive. Require applicant to "cc" Board on all documentation that occurs between the applicant and the State. Armed security requirement. Open to inspection by fire and/or police within 24 hour notice of request. Add in Zoning Officer and Board of Health. All security measures at each facility to be approved by fire/police. Board had discussion on cultivation locations. By right in all Districts if applicant comes under Ch. 40A, Section 3.

Board would like to hold a public hearing on March 24th and be on the Board of Selectmen agenda for April 1, 2014.

Highfield Village- Sewer Commission approved revised plan at its February 11, 2014 meeting. There are some concerns brought forward by the DPW Director that must be addressed to the Town's satisfaction. Board discussed the project history. As the in-house tech meeting was in 2009, and there are new Town officials since that time, it was determined that an in-house tech meeting should be held to inform the new officials of the project. It was also determined that abutters should be notified of the continuation of the Hearing. Continuation date will need to be set.

Force Corporation, 305 Leominster Shirley Road- Revised Plan submitted showing sight distances in both directions for each driveway. Noted J. Johnson's correspondence that the left and right turns out of the existing site exit do not have the recommended sight distances. Only 235 feet available looking easterly. This possibility had been previously discussed and the applicant stated he would modify the existing vegetation and grades as much as possible to improve that distance. There is no other alternative to the design offered. The right turn deficiency is only five feet and should not be a concern. There was

discussion of requesting the DPW Director to post speed limits signs. It was brought to the Board's attention this cannot be done without approval from massDOT (Department of Transportation). Motion, N. Lockwood, to approve 305 Leominster Shirley Road, Second, D. McQuaid, Vote passed 4 – 1.

Whites Woods, Mass Ave- no update

Emerald Place at Lake Whalom- no update

White Tail Crossing- Reviewing Engineer and DPW Director waiting for snow to melt in order to inspect the road for Town acceptance. J. Bilotta-Simeone working with Town Manager to try and get developer on the Warrant for Annual Town Meeting.

651 Chase Road Solar- Work continues to prepare the site.

265 Pleasant Street Solar- Racking posts installed. Underground trenching and conduit started.

ACTION FILE:

Citizen Survey- Final summary will be provided to the Board.

Notices- Conservation Commission- noted

MEETING SCHEDULE:

March 10, 2014, 6:30 PM, Town Hall

March 24, 2014, 6:30 PM, Ritter Memorial Building

PUBLIC COMMENT: None

BOARD COMMENTS: None

MEMBER ISSUES: Continued discussion of more frequent Board meetings. Impact on office was noted.

Motion, E. Bakaysa, to enter into executive session not to return to regular session, Second, N. Lockwood, all aye. Adjourned regular session 9:50 PM

Documents used at meeting:

Minutes 2-10-14

ANR Plan, 419 Sunny Hill Road

Draft RMD Bylaw

Force Corp., 305 Leominster Shirley Road, Site Plan Review Approval

(Note - J. Bilotta-Simeone inquired of J. Bard if the MS/HS Project will be subject to site plan review. J. Bard- Yes, but a limited site plan review as it is a public educational facility and exempt from local zoning.)